



MEMORANDUM

Agenda Item No. 6(J)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE:

(Second Reading 7-8-03)
June 3, 2003

FROM: George M. Borges
County Manager

SUBJECT: Ordinance Amending
Sections 2-8.1 and 10-38;
Contractor Responsibility
Determinations for County
Contracting

RECOMMENDATION

It is recommended that the Board adopt the attached Administrative Order implementing the provisions of Sections 2-8.1 (j) and 10-38 of the Code of Miami-Dade County governing contractor responsibility.

BACKGROUND

In 1999, an informal, interdepartmental Contractor Performance Committee was established to address issues related to contractor performance. The Committee was chaired by the County Manager's Office and comprised of staff from the Department of Procurement Management, Department of Business Development, Audit and Management Services, the County Attorney's Office, the Ethics Commission, the Inspector General and major construction contracting departments. Among other things, the Contractor Performance Committee was charged with the task of developing policies and procedures for the evaluation of contractor performance. The Committee proposed a comprehensive ordinance and administrative ordinance governing contractor responsibility, administrative suspension and debarment. That recommended legislation was deferred by the Board in May 2002, with the instruction to draft revisions that include checks and balances to ensure that the legislation would not be onerous to vendors that do business with the County.

This ordinance is accompanied on today's agenda by the Contractor Responsibility Administrative Order which delineates the roles and responsibilities of the County departments for making responsibility determinations for contracting with Miami-Dade County. Evaluation of contractor responsibility includes the consideration of factors relating to the contractor's capability to perform the contract and the firm's record of integrity.

FISCAL IMPACT

Although not measurable, the establishment of this ordinance is expected to have a positive fiscal impact on Miami-Dade County in the form of decreased administrative and litigation costs resulting from disputes related to contractor nonperformance.

Attachment

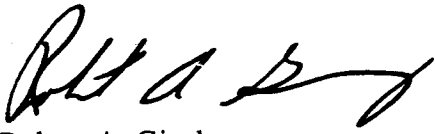


MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 8, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(J)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

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7-8-03

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE PROVIDING FOR AN ADMINISTRATIVE ORDER TO ESTABLISH PROCEDURES FOR DETERMINING CONTRACTOR RESPONSIBILITY IN COUNTY CONTRACTING; AMENDING SECTIONS 2-8.1 AND 10-38 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-8.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Sec. 2-8.1

* * *

>>(j) Contractor responsibility.

The County shall solicit offers from, award contracts to, and consent to subcontracts with responsible contractors only. Determinations of contractor responsibility shall be governed by procedures established by administrative order approved by the Board of County Commissioners. <<

Section 2. Section 10-38 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 10-38

(a) Purpose of debarment:

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(1) The County shall solicit offers from, award contracts to, and consent to subcontracts with responsible contractors only. >>Determinations of contractor responsibility shall be governed by procedures established by administrative order approved by the Board of County Commissioners.<< ~~[[To effectuate this policy, the debarment of contractors from County work may be undertaken.]]~~

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective within ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

RAG

Prepared by:

Hugo Benitez

HB